

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRIGHTHOUSE LIFE INSURANCE
COMPANY,

Plaintiff,

v.

THOMAS JOHN FILLEY, et al.,

Defendants.

CASE NO. 2:23-cv-00642-LK

ORDER TO SHOW CAUSE

This matter comes before the Court sua sponte. Plaintiff Brighthouse Life Insurance Company has filed an Amended Motion for Interpleader Deposit, Dkt. No. 17, but it has not filed proof that it has served Defendant Richard D. Filley with the complaint and summons as required by Federal Rule of Civil Procedure 4.¹ A court may exercise personal jurisdiction over a defendant only if the defendant has been served with process in accordance with Rule 4. *See SEC v. Ross*, 504 F.3d 1130, 1138 (9th Cir. 2007) (explaining that “service of process is the means by which a

¹ Brighthouse filed a certificate of service stating that it mailed a copy of its Amended Motion for Interpleader Deposit to Richard Filley, Dkt. No. 17 at 8, but mailing the motion does not constitute service of the summons and complaint under Rule 4.

1 court asserts its jurisdiction over the person.”). Therefore, absent service, Brighthouse has not
2 established that the Court has personal jurisdiction over Richard Filley and its motion—which
3 potentially implicates his property—is premature. Dkt. No. 17 at 3 (alleging that benefits are
4 potentially payable to Richard Filley and other Defendants); Dkt. No. 1 at 5 (same).

5 The Court therefore ORDERS Brighthouse to show cause within 14 days of this Order why
6 it should not strike the Amended Motion for Interpleader Deposit for failure to serve Richard
7 Filley. Failure to respond will result in that motion being stricken as premature.

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9 Dated this 24th day of July, 2023.

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11 Lauren King
12 United States District Judge
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